

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re

CITY OF DETROIT, MICHIGAN,

Debtor.

No. 13-53846

Chapter 9

HON. STEVEN W. RHODES

MEMORANDUM REGARDING SUPPLEMENTAL AUTHORITY

On November 8, 2013, the Sixth Circuit Court of Appeals entered its Order in the case *City of Pontiac Retired Employees Assoc., et. al. v. Schimmel*, docket no. 12-2087 (November 8, 2013 Order) and granted Defendant's and Intervenor Defendant's Petition for Rehearing En Banc. (Exhibit 1.) As a result, the decision in this case reported at *City of Pontiac Retired Employees Assoc., et. al. v. Schimmel*, 726 F.3d 767 (6th Cir. 2013) is vacated and the mandate is stayed. The case has been restored to the docket to be briefed and argued *en banc*.

The reported decision was cited and relied on by several Objectors in support of arguments challenging the constitutionality of 2012 P.A. 436. The most recent references are found in Doc. #1471, pp. 8-9 (RDPMA's supplemental briefing) and Doc. #1474, pp. 13-15 (Official

Committee of Retirees supplemental briefing). Because this Order vacates the reported decision and stays the mandate, it has no application in the captioned matter.

Respectfully submitted,

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